

REMARKS**Claim Status**

There were 22 claims in the original application numbered 1-22. There are 4 independent claims and 18 dependent claims. Claims 1, 11, 19 and 21 are the independent claims and are amended herein. Claims 2-10, 12-18, 20, and 22 are the dependent claims. Reconsideration and allowance of the claims argued herein are respectfully requested.

Section 102 Rejections

The Office Action rejected claims 1-2, 4-12, and 14-22 under 35 U.S.C. §102(a) as being anticipated by U.S. Patent Application Publication 2003/0033517 A1 to Rutherglen et al. Reconsideration and further examination are respectfully requested.

In more detail, the Office Action states that Rutherglen discloses a method of transferring a file to or from a server past a firewall, comprising accessing a web site behind the firewall, the web site having a web page including an applet, and the web site associated with the server, receiving the web page and the applet from the web site, sending the applet to an application at a file transfer gateway, and transferring the file between the file transfer gateway and the server through the firewall (paragraphs 0031, 0032, 0020, 0030, 0038, and 0040 of Rutherglen). However, Rutherglen does not teach the Applicants' limitation in claim 1 *wherein the file is pushed from the server through the firewall to the file transfer gateway by a target registering with the server behind the*

firewall, polling the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel and by a server receiving a registration at the server behind the firewall, receiving polling of the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel. The Examiner responded to Applicant's previous arguments stating that while the specification provides specific steps in different embodiments for "pushing" a file, these steps have not been read into the claims, and that the nominal recitation for "pushing" a file from a server to the file transfer gateway on the client through the firewall does not require that such steps be performed, therefore the limitation argued by the Applicant does not further limit the scope of the claimed invention (See Office Action pages 2-3). Applicant has added the steps in the independent claims for pushing a file described in the specification that relate to both the target and the server. Applicant describes the feature of having the file pushed from the server through the firewall on page 6, line 14 thru page 7 line 3 ("[T]he invention also is applicable for a 'push' operation in which a file download is pushed from a server to a target."); page 11 lines 1-5 (definition of "push" in a client-server environment); page 29 line 16 thru page 30, line 19 (description of a server-initiated download, known as a "push" operation shown in Fig. 9, wherein a service for the push operation registers with a gateway at a client, which periodically polls the server for files to download. Once the server determines the file can be downloaded, the file is downloaded from the server to the gateway. The gateway then notifies the service that the file has been downloaded, and general cleanup is performed); and Fig. 9. Applicant has carefully reviewed the applied art, Rutherglen, and sees no mention of a push operation in this context.

For at least the reasons cited in the arguments above, it is believed that amended independent claim 1 is allowable over Rutherglen. Claims 2-10 depend either directly or indirectly from claim 1.

For at least this reason and the reasons cited above it is believed that claims 2-10 are allowable over Rutherglen.

Claim 11 is essentially claim 1 in an alternative claim form and includes a step of authenticating access by a requestor to a web site behind the firewall, and for this reason and the arguments cited incident to claim 1 it is also believed to be allowable over Rutherglen. Claims 12-18 depend from claim 11. For this reason and the reasons cited incident to amended claim 11, claims 12-18 are also believed to be allowable over Rutherglen.

Claim 19 teaches registering with a server behind the firewall, polling the server for files to be downloaded, downloading the file from the server through the firewall over a virtual channel, wherein the file is transferred in chunks using a basic hypertext transport mechanism, *wherein the file is pushed from the server through the firewall to the file transfer gateway by a target registering with the server behind the firewall, polling the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel and by a server receiving a registration at the server behind the firewall, receiving polling of the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel.* For at least the reasons cited in the arguments above, it is believed that amended independent claim 19, is allowable over Rutherglen. Claim 20 depends from claim 19. For this reason and the reasons cited incident to claim 19, claim 20 is also believed to be allowable over Rutherglen.

Claim 21 is essentially claim 1 in an alternative claim form and includes a step of downloading the file from the server through a firewall over a virtual channel, wherein the file is transferred in chunks using a basic hypertext transport mechanism, *wherein the file is pushed from the server through the firewall to the file transfer gateway by a target registering with the server behind the firewall, polling the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel and by a server receiving a registration at the server behind the firewall, receiving polling of the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel.* Regarding the arguments cited incident to claim 1, amended claim 21 is also believed to be allowable over Rutherglen. Claim 22 depends from claim 21. For this reason and the reasons cited incident to claim 21, claim 22 is also believed to be allowable over Rutherglen.

Section 103 Rejections

The Office Action rejected claims 3 and 13 under §103(a) over U.S. Patent Application Publication 2003/0033517 A1 to Rutherglen et al., and further in view of “Java Applet Signing Guide” (Wilson). Applicant amended the independent claims herein to recite that *the file is pushed from the server through the firewall to the file transfer gateway by a target registering with the server behind the firewall, polling the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel and by a server receiving a registration at the server behind the firewall, receiving polling of the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel,*

which is fully supported by Applicants' specification, and is a feature not recited by Rutherglen or Wilson. Claim 3 depends from independent claim 1, and claim 13 depends from independent claim 11, which includes the limitation *the file is pushed from the server through the firewall to the file transfer gateway by a target registering with the server behind the firewall, polling the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel and by a server receiving a registration at the server behind the firewall, receiving polling of the server for files to be downloaded, and downloading the file from the server through the firewall over a virtual channel*. For at least this reason, and the reasons cited incident to claims 1 and 11 above in the 102 Rejections portion of this response, claims 3 and 13 are believed to be allowable over Rutherglen and Wilson. Such action is respectfully requested.

CONCLUSION

For the foregoing reasons, Applicants respectfully submit that all pending claims are patentable over Rutherglen and Wilson. To discuss any matter pertaining to the present application, the Examiner is invited to call the undersigned attorney at (650) 947-0700. Having made an effort to bring the application in condition for allowance, a timely notice to this effect is earnestly solicited.

Dated: September 4, 2007

The Swernofsky Law Group
P.O. Box 390013
Mountain View, CA 94039-0013
(650) 947-0700

Respectfully submitted,

Dane C. Butzer

Dane C. Butzer
Reg. No. 43,521